

REMARKS

The office action of May 25, 2010, has been carefully considered.

It is noted that claims 1, 4, 6, 14, 15 and 17 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 4, 6-11, 13-17 and 19-22 are rejected under 35 U.S.C. 102(e) over the patent application of Miller et al.

Claim 12 is rejected under 35 U.S.C. 103(a) over Miller et al. in view of the patent application of Miller.

Claim 18 is rejected under 35 U.S.C. 103(a) over Miller et al. in view of the patent to Milborn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1, 4, 6, 14 and 15.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended

the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 4, 6, 14, 15 and 17 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent application of Miller et al., applicant submits that there are three main differences between the presently claimed invention and the construction of Miller et al. These differences are as follows:

- a) Miller et al. do not disclose a bordering that fills open joints on the visible side of the building component. Such joints are not present in the building components of Miller et al. In Miller et al., the coating elements (17-19) have edges that directly contact each other on the visible upper surface (see Fig. 3, contact surface 43).

- b) Contrary to the position of the Examiner, the adhesive layer between the carrier layer (16) and the further layers (17-19) of the building component of Miller et al. is not equivalent to the intermediate layer of the presently claimed invention. The intermediate layer (4) of the presently claimed invention must be considerably thicker than an adhesive layer. An intermediate layer having the limited thickness of an adhesive layer, which adhesive layer is not even illustrated in Miller et al., cannot even be produced by foaming or spraying-on in a molding cavity.
- c) Miller et al. do not disclose an integral connection between the adhesive composition 24 and the adhesive between the backing layer 16 and the further layers (17-19). A material connection having defined dimensions cannot exist between such thin adhesive layers. Miller et al. also do not disclose that the adhesive layer between the backing layer (16) and the further layers (17-19) is of the same material as the peripheral adhesive material (24). In the first instance, a chemical adhesive is discussed (see paragraph [0024]). Regarding the peripherally surrounding adhesive layer (24), this is referred to as an "adhesive composition"

Based on the above points, applicant submits that Miller et al. do not disclose a building component as recited in the amended claims presently on file. In particular, Miller et al. do not disclose a building component a bordering that encircles the building component that is of the same foamed or sprayed-on material as the intermediate layer and fills the joints between neighboring building components on the visible upper side. The building components of Miller et al. do not for such joints. The neighboring building components directly contact one another at the outer edges of their upper, visible surfaces.

Furthermore, Miller et al. disclose gluing the carrier layer with the coating element. There is no disclosure of adhesive layers that are so thick that they are produced in a molding tool and transition integrally with a bordering, as in the present invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 4, 6-11, 13-17 and 19-22 under 35 U.S.C. 102(e) over the above-discussed reference is overcome and should be withdrawn.

The Miller and Milborn references have also been considered.

**BE-172**

Applicant submits that neither of these references add anything to the teachings of Fowler so as to suggest the presently claimed invention as discussed above. Thus, it is respectfully submitted that the rejections of claims 12 and 18 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

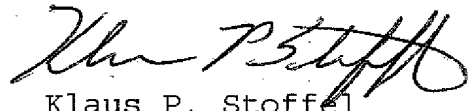
Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 02-2275.

Respectfully submitted,

LUCAS & MERCANTI LLP

By



Klaus P. Stoffel  
Reg. No. 31,668  
475 Park Avenue South  
New York, New York 10016  
(212) 661-8000

Dated: September 27, 2010